

1 came from a specific customer?

2 A. If a customer complained, it would go  
3 to customer service. If a customer complained to  
4 state PUC or BBB or any agency, then it would  
5 come to me. These are complaints where we're  
6 actually responding to the state Government, not  
7 to the customer themselves.

8 Q. And by "BBB," you meant Better  
9 Business Bureau?

10 A. Yes.

11 Q. And so what's involved here in 01072  
12 is -- basically concerns the situation when a  
13 complaint comes from the state PUC?

14 A. Yes.

15 Q. So in the first instance, if you have  
16 a valid -- what you believe to be a valid  
17 verification tape, you would send that back to  
18 the state PUC. And your initial position was  
19 that, you know, we got this customer fair and  
20 square. And that we should be allowed to  
21 continue to bill this customer.

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1 A. That's correct.

2 Q. Until the customer affirmatively  
3 changes service.

4 A. Yes. Or, you know, it really was  
5 dependent upon the Government agency that we were  
6 dealing with. The PUC would call us back and  
7 say, "That tape is no good," for whatever reason.  
8 We would issue a refund. But our stance was  
9 strong that it was a legitimate sale.

10 Q. Then there appears to be a different  
11 query that's also dated September 25, 2001. Bate  
12 Stamp 01073.

13 A. This is just him asking if we separate  
14 slamming and cramming complaints. And we did not  
15 at the time.

16 Q. What did you understand the difference  
17 to be between the two, slamming and cramming?

18 A. Slamming was taking somebody's service  
19 without their permission. Cramming was taking  
20 their service product and then adding fees on.

21 Q. What your response to Keanan is, is

1 that the majority of the complaints concerned  
2 slamming?

3 A. Yes.

4 Q. So cramming was not an issue most of  
5 the time?

6 A. Very few were cramming complaints.  
7 And they were really not so much specified by the  
8 PUC when we would get them. They would say, "We  
9 have a complaint." Just by reading the letter,  
10 the assumption was that it was a slam.

11 Q. You could figure out what the problem  
12 was just from reading the letter from the state  
13 PUC?

14 A. Uh-huh.

15 Q. That was a yes, right?

16 A. Yes. Correct.

17 Q. I know what you mean --

18 A. I know.

19 Q. So as of September 25, 2001, slamming  
20 complaints were not -- slamming and cramming were  
21 not distinguished?

1           A.     Not statistically distinguished.  
2     Meaning, I kept a log of the number of complaints  
3     that we received and we handled. They were not  
4     broken down as slamming, cramming or anything  
5     else.

6           Q.     In terms of the log of complaints,  
7     were you the only person who would be aware of  
8     what was in that log?

9           A.     Typically, it would be generated by  
10    someone working for me, given to me and then  
11    submitted to either executive council or to  
12    Kurtis. That was done weekly.

13          Q.     Weekly?

14          A.     Yes.

15          Q.     So in a typical week, a report would  
16    be generated that would reflect how many  
17    complaints had been received from state PUCs.  
18    And that information would be first sent to you.  
19    And then you, in turn, would forward that  
20    information on?

21          A.     Yes.

1 Q. And the people that you forwarded on  
2 to, the first instance would be the executive  
3 council?

4 A. Dependent upon whether or not the  
5 executive council was meeting. Typically, it  
6 would go to that crew, yes.

7 Q. And if they weren't meeting?

8 A. It would go to just Kurtis. And  
9 sometimes Keanan and Kurtis.

10 Q. And so the difference between you  
11 forwarding the complaint on to the executive  
12 council and forwarding it on to Kurtis and/or  
13 Keanan really was just the difference in terms of  
14 whether the other vice-presidents knew?

15 A. Correct. We would distribute our  
16 statistics to everyone on the council. So when  
17 it was discussed the next week, they were aware  
18 of kind of what was going on in the area.

19 Q. What, if any, discussions resulted as  
20 a consequence of a typical report about the  
21 number of pending state PUC complaints?

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1           A.     It might come up if there were too  
2 many or too few or something like that. They  
3 might ask where they were coming from. The  
4 problem was, that might result in sales not  
5 targeting that area. Or closer identification of  
6 who was selling where. And we might record those  
7 people for an extended period of time. It just  
8 depends what the circumstances were.

9           Q.     Can you think of any particular  
10 examples, let's say the State of Mississippi, did  
11 it come before?

12          A.     I believe what we did when we started  
13 to receive complaints was, we issued an order to  
14 sales to stop selling there. And then as the  
15 complaints evolved, we started looking at  
16 specific persons to figure out who was doing  
17 what. It just would depend on what was going on.

18          Q.     Did there come a time when complaints  
19 were coming in from the State of Vermont that  
20 generated a report which, in turn, was brought to  
21 the attention the executive council?

1           A.     There was a point after I spoke to  
2     somebody at the state when I had volunteered to  
3     stop selling there, that it was reported to them.  
4     And I know it was sent to our sales manager to  
5     discontinue selling in Vermont.

6           Q.     The person that you dealt with that  
7     you mentioned dealing with in Vermont was that  
8     Sarah Hoffman?

9           A.     The name sounds familiar.

10          Q.     Was there more than one person that  
11     you dealt with in the State of Vermont?

12          A.     There was a gentleman also. I believe  
13     I first spoke to the gentleman. It wasn't myself  
14     who took the first calls. It was Amy Dixon. And  
15     she initially discussed it with me. And I said,  
16     "Well, if we're getting complaints there, we'll  
17     stop selling there." And I sent a note to Mike  
18     Norville, who was the sales manager, asking him  
19     to discontinue selling in the state.

20          Q.     Did he do that?

21          A.     What he did is, he stopped

1 producing -- he would produce leads on a sheet of  
2 paper, they would print them out. They  
3 weren't -- we didn't have like a screen at the  
4 desk for the telemarketers. They would have  
5 leads on paper. He stopped printing them. He  
6 did not go through the floor and remove every  
7 sheet from Vermont. So he stopped producing  
8 leads. We had some more sales. And they  
9 contacted me a second time. And that time, Mike  
10 was not in. And I went to his assistant manager,  
11 I guess she was, Kathy Olive (phonetic) and asked  
12 her to go around the floor and pull every lead  
13 sheet with Vermont on it. And that's what she  
14 did at the time.

15 Q. I'll come back to that. Going back  
16 again to September 25, 2001, I guess the  
17 president is busy at this point sending  
18 communications to you on that day. Bate Stamp  
19 Numbers 01186.

20 A. This is concerning, I believe, Hanes &  
21 Boone (phonetic) was the law firm that was



1 working for Southwestern Bell. And that is a  
2 letter basically telling them that we have not  
3 used the name in any published form and were  
4 working on changing it.

5 Q. The "name," being, U.S. Bell?

6 A. Yes. They wanted us to change the  
7 name. It took us a while to actually get it  
8 changed over.

9 Q. That change over was from U.S. Bell to  
10 Buzz Telecom?

11 A. To Buzz Telecom, as are far as the  
12 company went. We did change it to Link  
13 Technologies, but we never used that name.

14 Q. The name of U.S. Bell was formally  
15 changed to Link Technologies, but never used?

16 A. Yes. By "formally," with the  
17 secretary of state.

18 Q. The secretary of state of the State of  
19 Nevada?

20 A. That's correct.

21 Q. But also Indiana as well?

1 A. Uh-huh.

2 Q. That's a yes?

3 A. Yes.

4 Q. I'm going to show you a document that  
5 bears a date September 26, 2001. Bate Stamp  
6 01046. It appears to be related to the document  
7 that I had previously shown you.

8 A. Yes. This was basically the response  
9 he asked me to write and send out.

10 Q. So the letter dated September 26 to B.  
11 David Fraser (phonetic) is basically as a  
12 consequence of the order you received from Keanan  
13 on September 25?

14 A. Correct.

15 Q. The next document I want to show you  
16 is Bate Stamp 01081. And it reflects a date of  
17 October 23, 2001.

18 A. I don't recall this note, but I think  
19 what was happening at the time was --

20 Q. First of all, is this a document that  
21 would have been directed to you?

1           A.     Yes.

2           Q.     So you're the VPA?

3           A.     Yes.

4           Q.     And the president is Keanan?

5           A.     Yes.

6           Q.     Okay.

7           A.     For a while, we were selling websites  
8 as a company. What we sold was a product that --  
9 we would call the customer and sell them the  
10 design and the hosting. And I think we would  
11 give them the design cheap or free. And host for  
12 a year, would be the contract. And once we made  
13 that sale, the plan was that division two --  
14 which was marketing, which fell under my group of  
15 people -- would call back and try to sell them  
16 whatever products we had. Whether it was long  
17 distance service, calling cards, whatever. And  
18 if they were to hear any complaints about the  
19 initial sale, I would report that. That happened  
20 for a short period.

21          Q.     The Mike that is referred to in the

1 letter is whom?

2 A. Mike Norville, the sales manager.

3 Q. And the "Josh" is whom?

4 A. Josh was the assistant sales manager.

5 And I don't remember his last name.

6 Q. Kathy is who?

7 A. Kathy Olive.

8 Q. The next document I'm going to show  
9 you is dated November 29, 2001. Bate Stamp  
10 Numbers 01221.

11 A. This is a request to me to get another  
12 carrier in case we had trouble with our current  
13 carrier, who was Quest. It was standard practice  
14 for us to have two carriers just in case we had  
15 any type of issue with one of them.

16 Q. When you were working at U.S. Bell and  
17 then Buzz, were there any carriers other than  
18 Quest that the company had?

19 A. We had Sprint before Quest. And then  
20 I think that I had obtained another carrier right  
21 before I left.

1 Q. Was it Global Crossing?

2 A. That may be. I contacted every  
3 carrier in the book. I remember Global Crossing,  
4 that may be.

5 Q. You're not positive of that?

6 A. I'm not positive of that.

7 Q. Before Quest, you had Sprint?

8 A. Yes.

9 Q. Roughly what period of time?

10 A. Probably had Quest for about a year  
11 and a half before I left. And Sprint before  
12 that.

13 Q. We've seen a contract between U.S.  
14 Bell and Quest, a written contract.

15 A. I don't know that there was a contract  
16 between U.S. Bell and Sprint. That may have  
17 been Business Options. I don't think that I did  
18 that deal, so I don't really recall.

19 Q. We have a document, Bate Stamp 00756.  
20 And it's from VP operations dated Friday,  
21 February 22, 2002. Could you tell me what this

1 weren't in there chatting or what have you. We  
2 had a slot that you would drop your sale through  
3 and it would go to the verifications person. And  
4 then a slot to drop it back. And by doing that,  
5 we were trying to keep them completely separate.

6 Q. This is the notion of maintaining the  
7 independence of the third-party verifier?

8 A. Yes. And Mike, obviously being the  
9 guy who was in charge of sales, we didn't want  
10 him in that room.

11 Q. Because that would raise a question of  
12 some kind about the independence of the verifier?

13 A. That also. But a question of, is he  
14 going in there saying, "Hey, I need you to get  
15 this sale." We just didn't want him in there.  
16 And this was a personal thing between those two  
17 people.

18 Q. And this was a document that --  
19 00756 -- that you generated?

20 A. No.

21 Q. Who is the VP operations?

1 is all about.

2 A. This is when we had A&M Verifications,  
3 which was Anthony Lowe and Mike Norville, who  
4 was, at that time, the vice-president of sales,  
5 had an ego problem with Anthony Lowe. And they  
6 had personal issues. And he was expressing his  
7 authority by walking in and out of the door of  
8 the verifications company.

9 Q. That was supposed to be some kind of  
10 signal?

11 A. Some kind of personal knock against  
12 Tony because he could walk in and out of his  
13 door.

14 Q. As opposed to walking in and out of  
15 what?

16 A. The normal door that he would walk in  
17 and out of. As a policy, no salesperson was  
18 allowed beyond the door of the verifications  
19 room.

20 Q. Because?

21 A. Just to keep them separate so they

1 A. Which was Keanan, I believe.

2 Q. Do you recognize the handwriting that  
3 appears underneath --

4 A. The handwriting underneath is mine.  
5 And it's "Why." And I sent it to Mike to find  
6 out why he had done it.

7 Q. Essentially, this piece of paper is  
8 somehow coming to you. And you, in turn, are  
9 doing something about it?

10 A. It's coming to me because I am the  
11 director of I&R. And I investigate why it went  
12 on. And I report to the person who wrote it.  
13 And to my boss as to what's going on with this  
14 guy.

15 Q. At what point did you become the  
16 director of I&R?

17 A. The entire time I was vice-president  
18 of administration, I was director of I&R. It was  
19 just a post that was beneath me.

20 Q. It was tied in in some fashion to  
21 administration?



1           A.     Yes.  It was in the division where  
2 personnel was.  It was part of that division.

3           Q.     So you happened to have more than one  
4 job responsibility?

5           A.     I had about 80 job titles while I was  
6 there.  So I kept pretty busy.

7           Q.     Okay.  So the "to" means it came to  
8 you.  The "from VP operations," who was that?

9           A.     That job was bounced around a little  
10 bit.  And I believe at that time, Keanan was  
11 holding that position.

12          Q.     And cc's, the COB would be?

13          A.     Kurtis.

14          Q.     The president would be?

15          A.     Again, Keanan.

16          Q.     And the VPX?

17          A.     Mike.

18          Q.     And "X" represents what?

19          A.     Expansion.

20          Q.     That's a fancy way of saying sales?

21          A.     Uh-huh, yes.

1 Q. Moving ahead a couple of weeks. The  
2 next document I want to show you is 00755, dated  
3 March 5, 2002.

4 A. Again, the same situation, just a  
5 different context. Mike was -- felt that he had  
6 authority, since he was an executive. He would  
7 just hire and fire whoever he wanted. But  
8 company policy was that no person was hired or  
9 fired unless they went through division one,  
10 which was personnel. So Kelly, being the manager  
11 of that area, is writing a note to me to say,  
12 "Why is this guy doing this?" And it was my job  
13 to go in and find out. And if he required some  
14 training or discipline or what have you, it was  
15 my job to do so.

16 Q. The training for matters such as what  
17 is described in this document could be nothing  
18 more than saying "You're not supposed to be  
19 hiring people"?

20 A. Or maybe get out the book that says  
21 that all hiring and firing are done through

1 division one and show it to him, something like  
2 that. Or it might be me just going over and  
3 yelling at him. I had a lot of sit downs with  
4 Mike Norville.

5 Q. And in terms of the cc's on this one,  
6 the VPX means that a copy of this went to Mike  
7 Norville as well?

8 A. Uh-huh. The policy on any report that  
9 was written is, you would also cc the person it  
10 was written on. And then cc anyone else who is  
11 directly associated. So in this case, the VPX,  
12 Mike, and then the director of personnel is the  
13 person who he went around to hire this person.

14 Q. And according to this document --

15 A. Margaret --

16 Q. -- that person at that time was  
17 Margaret Robertson?

18 A. That's correct.

19 Q. So this is a matter that would not  
20 necessarily come to the attention of either  
21 Kurtis or Keanan?

1 A. No. Not necessarily.

2 Q. Okay.

3 A. It just depended upon the situation.  
4 If it were something that could be handled  
5 easily, then it was. If it was something that  
6 you felt would effect the entire company, then  
7 you would cc the, you know, the CEO or whomever.

8 Q. Did there come a time when a more  
9 serious situation developed with respect to Mike  
10 Norville?

11 A. Yes. He was involved in a situation  
12 with the EEOC.

13 Q. What was the end result of that  
14 situation?

15 A. He was suspended indefinitely and sent  
16 for some training. And then slowly brought back  
17 into the company.

18 Q. In terms of the suspension, was that  
19 an act that you had to undertake?

20 A. No. It was actually something Kurtis  
21 did.

1 Q. And in terms of Mr. Norville coming  
2 back, was that something that you had a hand in?

3 A. No. When the situation came to light,  
4 we had some complaints written about Mike  
5 Norville. Kurtis and I had a meeting about it,  
6 we discussed it. And my recommendation was that  
7 he be dismissed immediately. Kurtis agreed with  
8 me. That was a Friday. And over the weekend,  
9 Kurtis came into the office and called Mike and  
10 discussed it with him and suspended him. And  
11 when I came in Monday -- well, Mike didn't show  
12 up. I was going to fire him. And a few days  
13 later, because Kurtis was on vacation, he sent me  
14 the information that he had suspended Mike  
15 indefinitely. And he was going to handle the  
16 situation from there.

17 Q. I believe this is related to that.  
18 It's a document dated 3-11-02. Bate Stamp  
19 Numbers 00759. If you could sort of translate  
20 for me what that is.

21 A. Conditions are --

1 Q. First of all, is it directed to you?

2 A. Directed to me from Kurtis. And it  
3 says, "Please take over working with VPX on  
4 conditions. He is on step number seven of  
5 doubt." Condition is -- again, this is L. Ron  
6 Hubbard technology. Condition is your state of  
7 being, I guess, would be a way to describe it.  
8 And there are conditions that you go through to  
9 get to where you're normal. And what is supposed  
10 to be occurring when you're normal is that your  
11 statistic for the company should be steadily  
12 going up.

13 So Kurtis had been working with Mike  
14 for a few weeks. I'm not exactly sure what  
15 kicked off the fact that he was working with him.  
16 But Kurt wanted me to take over working with Mike  
17 to get him through doubt. And there are like  
18 five conditions below normal, and get him back up  
19 to normal. And this occurred, if I am right,  
20 within the same week or two of Mike's actual  
21 suspension.

1                   So Kurtis was doing it. Then I was  
2 put on it, then I was taken back off of that.  
3 But things kept coming to light that were new.  
4 So I don't remember what sparked this.  
5 Basically, what I would do is, he and I would sit  
6 down and read through the steps of the condition.  
7 And then he would do whatever it was that was  
8 required, turn it in to me. I'd approve it or  
9 not approve it. He might do it again and turn it  
10 in again to me until I said it was okay, move on  
11 to the next step. And that was part of my job as  
12 director of I&R.

13           Q.       And this activity took place during  
14 the period of Mike's suspension?

15           A.       No. This was before he was suspended.  
16 After his date of suspension, I was completely  
17 removed from dealing with Mike.

18           Q.       This appears do be related to what  
19 we've been just talking about. It's dated  
20 3-13-02, 00764.

21           A.       This -- when we initially got some

1 information that people were -- they had  
2 complaints against Mike before anything had been  
3 written, before we had anything in our hand.  
4 When we initially got the complaint, I believe it  
5 was on a Monday, I called him into my office and  
6 I suspended him. I told him "You are suspended  
7 until further notice. We'll see what happens."  
8 He asked me if he was getting fired. I said "I  
9 don't know because I don't know all the details."  
10 Then I gave him this. This is what Kurtis and I  
11 had discussed beforehand.

12 Q. "This," meaning 00764?

13 A. Yes. This document. And he went  
14 home. And over the course of the next few days,  
15 Kurtis met with the employees involved and got  
16 written reports so we had an idea of exactly what  
17 had occurred. And it was after this period that  
18 he sat down with Kurtis and they had a  
19 discussion. And then Kurtis suspended him  
20 indefinitely. So this was building up to that.

21 Q. This is a document dated March 18,



1 2002, 00751. I'd ask you to look this over and  
2 then we can talk about it.

3 (Witness Reviewing Document.)

4 Q. So with respect to Mike Norville,  
5 what's happening here is that he has been  
6 suspended indefinitely for at least 30 days. And  
7 upon conclusion, he may submit a request to  
8 return to the company. He's also removed as  
9 vice-president of expansion. What happened with  
10 Mr. Norville subsequent to March 18, 2002?

11 A. He was away from the company for -- I  
12 don't remember the exact period of time, a month,  
13 two months, something like that. During that  
14 time, he was taking training and counseling. He  
15 came back and worked at a satellite company for a  
16 period of time. And then he was eventually  
17 brought back in as vice-president of expansion.

18 Q. Roughly, when did he come back?

19 A. Three months out, four months out, I  
20 don't remember exactly.

21 Q. Was he still vice-president of